

**IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF DELAWARE**

*original*

DENNIS SMITH  
PLAINTIFF

V.

EX - POLICE CHIEF GUY D. BAYNARD,  
INDIVIDUALLY AS AGENT OF  
FRANKFORD TOWNSHIP

AND  
FRANKFORD POLICE DEPARTMENT  
AND

JESSE TRUITT, INDIVIDUALLY AND AS  
COUNCILMAN AND POLICE  
COMMISSIONER, AND AGENT FOR  
FRANKFORD TOWNSHIP

AND  
ALBERT OLIVER, INDIVIDUALLY AND  
AS COUNCILMAN, AND AGENT FOR  
FRANKFORD TOWNSHIP

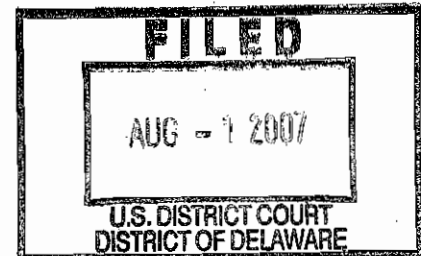
AND  
STEVEN C. BROUGHT, INDIVIDUALLY AND  
AS FORMER COUNCILMAN PRESIDENT,  
AND AS AGENT FOR FRANKFORD  
TOWNSHIP

AND  
KENNETH LYNCH, INDIVIDUALLY  
AND COUNCILMAN AND AS AGENT FOR  
FRANKFORD TOWNSHIP

AND  
THOMAS W. ESENDER, INDIVIDUALLY  
AND AS FORMER COUNCILMAN  
PRESIDENT, AND AS AGENT FOR  
FRANKFORD TOWNSHIP

AND  
THEODORE ELSEER, INDIVIDUALLY AND  
AS COUNCILMAN, AND AS AGENT FOR  
FRANKFORD TOWNSHIP

Case No. **98 - 00639 JJF**



*Bp scanned*

DEFENDANTS

)  
)

**Emergency Imperative “Motion”**

For Motion to Legally { “Reconsider”; } the Honorable, but de facto July 05<sup>th</sup>, 2007 A.D. “Intra – Order” of the Honorable; Fed – judge Joseph J. Farman Jr., the de facto, at viable Notorious Issue July 05<sup>th</sup>, 2007 A.D. superficial / Questionable.

Intra – { Order } has truly prejudiced my legal – position;

Fast – Fact(s);

Unequivocal Respondeat Superior **DOES EXIST;**

Please Take Notice;

This shall be taken seriously,. Due to the Heretofore sole purpose of the {wrongful – viable } July 05<sup>th</sup> 2007 A.D. Superficial Order,.

The intentional Prohibited **42 U.S.C. § 1985(3)**. { Suspicious – Attempt } to {via} possible Fraud on court – like,. Vel Non make the very viable as written / as legally Heretofore docketed “**November 15<sup>th</sup>, 1996 false arrest**” of fired Tort – feisor former so – called; Chief of Police Mr. Guy D. Baynard,. These proscribed manifest attempt(s) to make this **Prima facie – Exact – Evidence factual – fact of;** as second Notice, the “ **November 15<sup>th</sup>, false arrest**”, wrongful – vexatious **unconstitutional ARREST** that cannot be

covered – up or illegally ERASED due to; November 15<sup>th</sup>, 1996 illegal false arrest indelibility of fact.

See the attached, Exhibit A, de facto July 05<sup>th</sup>, 2007 A.D. DECEITFUL  
“CLARIFICATION ORDER” (D.I. 140).

The Question is, why would anyone want to add damages to me (Mr. Dennis L. Smith) by covering – up the truth ?

DECEIVING A PRO SE

Respectfully, Submitted,

A handwritten signature in black ink, appearing to read "Dennis L. Smith", written over a horizontal line.

Mr. Dennis L. Smith "Pro se"

P.O. Box 311

Selbyville, Delaware 19975 - 0311

Date July 31 2007

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
DELAWARE**

DENNIS L. SMITH

Plaintiff,

vs.

EX – POLICE CHIEF GUY D.  
BAYNARD, INDIVIDUALLY AND AS  
AGENT OF FRANKFORD TOWNSHIP,  
et al.,

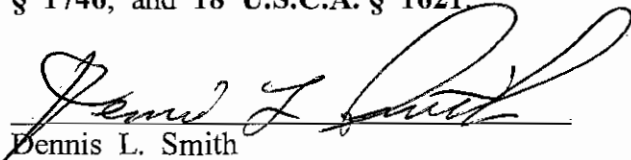
Defendants

C.A. No. 98 – 00639 JJF

**AFFIDAVIT OF DENNIS L. SMITH**

STATES OF DELAWARE :  
: SS.  
NEW CASTLE COUNTY :

The, preceding - indelible truthful – statement(s) in the “**Emergency Imperative Motion**” are true to the best of my knowledge and belief(s); of; Dennis L. Smith and are in full vehement compliance / Compliance(s) Here-with / Here – under; **28 U.S.C.A. § 1746, and 18 U.S.C.A. § 1621.**

  
Dennis L. Smith

  
Date

### CERTIFICATE OF SERVICE

I hereby certify that two true copies of the "**Emergency Imperative Motion**" have been certified mailed or hand delivered on this 31 day of July, 2007, to defendants' counsel and the following addresses:


Judge Joseph J. Farnan, Jr. **and**  
The Office of the Clerk  
United States District Court  
844 N. King Street, Lockbox 18  
Wilmington, DE 19801 -3570  
**Certified Mail**  
**7002 0460 0001 5101 7921**

**Mr. Bruce C. Herron esq.,**  
1220 North Market Street # 300  
P.O. Box 25047  
Wilmington, Del., 19899 - 5047  
**Certified Mail**  
**7002 0460 0001 5101 7907**

The Honorable Robert Daisey, Mayor  
of the Town of Frankford  
P.O. Box 550  
#5 Main Street  
Frankford, Delaware 19945  
**Certified Mail**  
**7002 0460 0001 5101 7914**

**Ms. Dianna L. Mondeau**  
Scottsdale Insurance Company  
P.O. Box 4120  
Scottsdale, AZ 85261 - 4120  
**Certified Mail**  
**7002 0460 0001 5101 7891**

All mentioned above, certified mailed or hand Delivered by Dennis L. Smith.

  
Dennis L. Smith

D.I. 140

EXHIBIT  
A

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DENNIS L. SMITH,

Plaintiff,

v.

GUY D. BAYNARD, ET AL.,

Defendants.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Civil Action No. 98-639-JJF

ORDER

WHEREAS, on May 16, 2007, Defendant Guy D. Baynard filed a Motion For Clarification Of The Court's February 9, 2004 Order, requesting that the Court clarify its Order and dismiss all claims except the false arrest claim against Defendant Baynard (D.I. 133);

WHEREAS, the Court understands that its February 9, 2004, Order (D.I. 88) granted the Defendants' Motion For Summary Judgment (D.I. 57) as to all of Plaintiff's claims except for Plaintiff's false arrest claim made pursuant to 42 U.S.C. § 1983 against Defendant Baynard relating to the incidents of December 14, 1996;

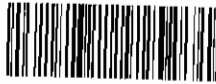
NOW THEREFORE, IT IS HEREBY ORDERED that Defendant Baynard's Motion For Clarification (D.I. 133) is GRANTED; a final judgment order as to the terminated Defendants and claims will be issued.

July 5, 2007

  
UNITED STATES DISTRICT JUDGE

From: Mr. Dennis L Smith  
P.O. Box 311  
Selbyville, De 19975

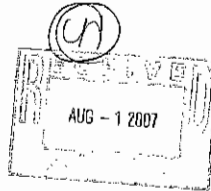
CERTIFIED MAIL



7002 0460 0001 5101 7921



U.S. POSTAGE  
PAID  
SELBYVILLE, DE  
JUL 31, '07  
RM001  
\$6.45  
00009729-06



U.S.M.E.  
X-RAY

ReadyPost

Utility Mailer

To: Judge Joseph J. Farnham Jr.  
- And -  
The office of the clerk  
United States District Court  
844 N. King Street Lockbox 18  
Wilmington, De 19801-3570